

REPORT - PLANNING COMMISSION MEETING
August 11, 2005

Project Name and Number: **PARKING – BAY STREET (PLN2006-00022)**

Applicant: City of Fremont

Proposal: To consider a Finding of General Plan Conformity to allow the acquisition of property for a proposed public parking lot.

Recommended Action: Find that proposed acquisition conforms to the General Plan, based on findings stated in Exhibit "A".

Location: To the rear of properties located at 4112 & 4120 Bay Street in the Irvington Planning Area.

APN: 525-0680-001-57

Area: 8,380 square feet

Owner: Bishara George Matta and Michele Lea Matta, Trustees

Agent of Applicant: None

Environmental Review: A Mitigated Negative Declaration has been previously prepared and adopted for this project.

Existing General Plan: Community Commercial Center

Existing Zoning: Bay Street Planned District: P-2004-277 (I)

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. 108 notices were mailed to owners and occupants of property within a minimum radius of 500 feet from the site on the following streets: Bay Street, Trimboli Way, and Papazian Way. The notices to owners and occupants were mailed on July 29, 2005. A Public Hearing Notice was delivered to The Argus newspaper on July 25, 2005 to be published by July 28, 2005.

Executive Summary: The applicant requests a Finding of General Plan Conformity to allow the acquisition of property for a proposed public parking lot in the Irvington Planning Area. The proposed acquisition is part of a larger Redevelopment Project to improve the United States Post Office Irvington Station site and provide additional public parking opportunities for nearby businesses and residents in the Bay Street Planned District. Subsequent entitlements include City Council approval of a License Agreement with the U.S. Postal Service for additional public parking connected with the subject property.

Background and Previous Actions: In June 2004, the City Council approved the Bay Street Planned District, which identified the subject site, located behind 4112 and 4120 Bay Street, for possible public parking to serve local businesses and to support the future investment for the Bay Street Streetscape improvements. In January 2005, the City Council approved the Irvington Concept Plan, which reiterated possible public parking for this site. Subsequent to those approvals, negotiations between Agency staff and the private property owners as well as the U.S. Postal Service staff have culminated in a draft Agreement to Purchase the subject site, as well as a draft License Agreement to use a portion of the Post Office property for public parking, respectively. These agreements are tentatively scheduled for City Council consideration in the fall of 2005. The Planning Commission must make a finding of General Plan conformity regarding the property acquisition before the Redevelopment Agency Board and the City Council hearing.

Project Description: The City of Fremont and the Redevelopment Agency of the City of Fremont are requesting that the Planning Commission find that the City's acquisition of the vacant site behind 4112 and 4120 Bay Street is in conformance with the General Plan. The purpose of the property acquisition is to allow the City to develop a public parking lot to provide parking opportunities that will serve nearby businesses and residents. The proposed new parking will help to replace some of the parking loss resulting from future improvements planned as part of the Bay Street Streetscape project and will add to the overall parking inventory in the neighborhood. The proposed public parking lot on the subject site, plus the public parking on the proposed licensed portion of the U.S. Post Office property, will add approximately forty (40) new spaces to the twenty (20) existing visitor spaces available for Post Office patrons. The subject site is approximately 8,340 square feet and is predominately surrounded by commercial and mixed-use development, as well as institutional and public/quasi-public uses. There is no formal development plan for the Planning Commission to consider, except that the proposed use of the site will be for a public parking lot.

Legal Requirement for Public Land Acquisition: California Government Code Section 65402 establishes requirements for review of public property transactions by local planning agencies. Pursuant to the State code, the City of Fremont is required to submit all acquisitions of property for public purposes to the Planning Commission. The City may not acquire any property until the location, purpose and extent of the acquisition has been reviewed by the Planning Commission as to conformity with the adopted General Plan. The law requires the Commission to render its report on conformity within 40 days after the matter was submitted.

While there is no legal requirement that the Planning Commission hold a public hearing on a finding for conformity with the General Plan, this procedure has been observed for other public acquisitions. The public hearing will help assure that adequate public notice is provided as to the intent to purchase the site for a City parking lot, and that the public is allowed to provide comments. Assuming that the Planning Commission finds that the acquisition of the subject site is in conformance with the General Plan, the City Council is tentatively scheduled to consider the proposed acquisition in the fall of 2005.

General Plan and Zoning Conformance: The General Plan land use designation for the project site is Community Commercial Center (CCC) and the zoning is Bay Street Planned District [P-2004-277(I)].

The proposed property acquisition will enable the development of a public parking lot to serve uses in and around the Five Corners Community Commercial Center, particularly those within the Bay Street Planned District. Adding parking opportunities at this location is consistent with the following applicable General Plan policies for Community Commercial Centers:

Policy LU 2.16: Development of the CCC area should be guided by a design and development plan. The plan should assess the appropriate area needed for commercial uses and recommend alternative uses (including mixed use), particularly for areas outside the identified commercial center. The plan should also identify parking strategies for the commercial area as a whole so as to foster a pedestrian oriented shopping environment. The plans should address historic preservation and design guidelines for each CCC.

Policy LU 2.17: Each of the four historic commercial centers shall be oriented toward pedestrians to the degree feasible. New development should strengthen the "Main Street" character of these areas. Projects should be planned to create active pedestrian frontages oriented towards sidewalks, streets or, when appropriate, towards a public plaza.

Policy LU 2.18: Where appropriate, buildings shall be oriented toward the street and sidewalk. Whenever feasible, parking should be at the rear of buildings or in joint parking areas rather than in front of buildings and businesses.

Development of a public parking lot on the subject site is included in the Irvington Concept Plan and Bay Street Planned District as a means to encourage sidewalk-oriented buildings as well as promote pedestrian activity along the street. This will support and strengthen the "Main Street" character of Bay Street. Due to its proximity to existing businesses, the proposal will consolidate and reduce the need for on-site parking. As indicated in the Bay Street Planned District, locating

the new parking lot behind existing businesses will positively contribute to the ultimate streetscape design envisioned for the neighborhood because buildings will be close to the street, and this will help create a distinctive and attractive pedestrian experience. The proposed property acquisition is the first step in the implementation of both the General Plan policies for the Five Corners Community Commercial Center as well as the Bay Street Planned District in Irvington.

Environmental Analysis: A Mitigated Negative Declaration has been previously prepared and adopted for the Bay Street Planned District by City Council on June 22, 2004. The proposed project is consistent with the Planned District and no further environmental review is required.

Enclosures: Aerial Photograph of Site

Exhibits: Exhibit "A" (Findings)

Recommended Actions:

1. Hold public hearing.
2. Find that PLN2006-00022 is in conformance with the relevant provisions contained in the City's adopted General Plan. These provisions include the designations, goals and policies as set forth in the General Plan's Land Use Chapter, as set forth in Exhibit "A", hereby adopted by reference.

EXHIBIT "A"
PARKING – BAY STREET
(PLN2006-00022)

FINDINGS

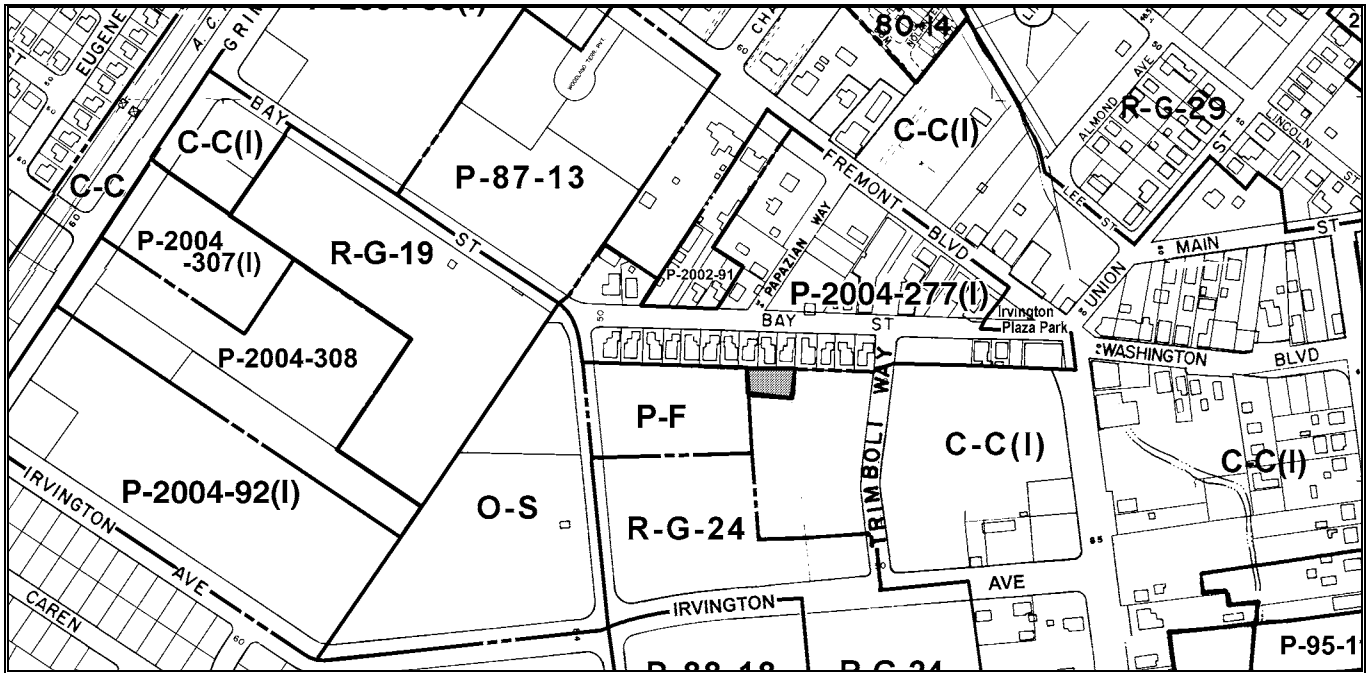
1. The findings below are made on the basis of information contained in the staff report to the Planning Commission and the information presented at the public hearing on August 11, 2005, incorporated herein.
2. The Planning Commission has considered the location, purpose and extent of the proposed acquisition by the City of Fremont of an 8,340 square-foot site located behind 4112 and 4120 Bay Street, for the purpose of developing a new public parking lot. The Planning Commission hereby finds that the proposed acquisition conforms to the Fremont General Plan, and would contribute to realization of Fundamental Goals of the General Plan, specifically Goal LU2, which requires "Commercial development focused in well-defined commercial areas".
3. The Planning Commission further finds that the proposed acquisition would conform with the following General Plan Policies for Community Commercial Centers (CCC):

Policy LU 2.16: Development of the CCC area should be guided by a design and development plan. The plan should assess the appropriate area needed for commercial uses and recommend alternative uses (including mixed use), particularly for areas outside the identified commercial center. The plan should also identify parking strategies for the commercial area as a whole so as to foster a pedestrian oriented shopping environment. The plans should address historic preservation and design guidelines for each CCC.

Policy LU 2.17: Each of the four historic commercial centers shall be oriented toward pedestrians to the degree feasible. New development should strengthen the "Main Street" character of these areas. Projects should be planned to create active pedestrian frontages oriented towards sidewalks, streets or, when appropriate, towards a public plaza.

Policy LU 2.18: Where appropriate, buildings shall be oriented toward the street and sidewalk. Whenever feasible, parking should be at the rear of buildings or in joint parking areas rather than in front of buildings and businesses.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

